

March 14, 2008

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-198

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Coalition for Competitive Access to Content (CA2C), submits this notice of an *ex parte* presentation in the above-captioned proceeding.

On March 13, 2008, members of the CA2C including: Stacy Fuller, DIRECTV; Brian Ford, OPASTCO; Bill Heaston, Knology; Martin L. Stern, Legal counsel for The Coalition for Competitive Access to Content (CA2C); and I, had a meeting with Monica Desai, Betsy McIntyre, David Konczal, Nancy Murphy, and Maureen McLaughlin from the Media Bureau.

At this meeting we discussed the policy positions advocated by the CA2C in its Comments and Reply Comments previously submitted in this proceeding. A copy of the discussion outline for this meeting is attached as reference.

Respectfully submitted by:

/s/

John Goodman, President, CA2C
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Enclosure

cc: Monica Desai, Betsy McIntyre, David Konczal, Nancy Murphy, and Maureen McLaughlin

Coalition for Competitive Access to Content (CA2C)
FCC Discussion Outline - March 13, 2008

CA2C Representatives:

Stacy Fuller, DIRECTV
Brian Ford, OPASTCO
Bill Heaston, Knology
Martin Stern, K&L Gates
John Goodman, CA2C

1. Introduction
2. The FCC has legal authority to close the terrestrial loophole.
 - a. 628 (b) provides specific and sufficient authority.
 - b. 628 (c) represents a “minimum” content of regulations.
 - c. The same analysis of legal authority that supported Commission action on MDU contracts applies to closing the terrestrial loophole.
3. The same market analysis that justified extension of the current rules also justifies applying those rules to terrestrially delivered vertically integrated programming.
4. Past complaint proceedings, filed under 628 (c), are not relevant to the FCC conducting a rule making proceeding to now deal with terrestrially delivered content.
5. The 706 statutes and mandates to support broadband development provide additional authority and justification to act.
 - a. Video and broadband policies can no longer be viewed in isolation.
 - b. This is particularly true for rural networks.
6. There should be no early sunset of prohibitions on exclusives.
7. The FCC should act to close the terrestrial loophole.
 - a. Program access rules have been necessary and effective pro-competitive policy that has caused no harm.
 - b. Different distribution technologies that are becoming more substitutable should not effect application of the rules.
 - c. We have procedures to grant exclusives when market conditions warrant.
 - d. FCC action will support both competition and diversity.